



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

H1

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,973	06/09/2005	Klaus Ringer	10191/3714	6449
26646	7590	07/09/2007	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			TO, TUAN C	
ART UNIT		PAPER NUMBER		
3663				
MAIL DATE		DELIVERY MODE		
07/09/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10520973	6/9/05	RINGGER ET AL.	10191/3714

**EXAMINER**

Tuan C. To

ART UNIT	PAPER
----------	-------

3663 20070704

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

On page 5 of the appeal brief, Appellant seems to be relying upon the website "http://dictionary.reference.com/browse/verify" for evidence. However, in the evidence relied upon section Appellant states "None." 37 CFR 41.37(c)(1) states,

"Any appendix containing copies of any evidence submitted pursuant to 1.130, 1.3.1 or 1.1.32 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See 41.33 for treatment of evidence submitted after appeal." (emphasis added)

Further, 37 CFR 41.337(c)(2) states,

"A brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence." (emphasis added)

Appellant's attention is directed to 37 CFR 41.33 for guidance as to when evidence can be entered.

If Appellant has previously timely submitted that website referred to above, Appellant should provide a copy in the evidence appendix and a statement of when the evidence was entered by the examiner. If the website referred to above, has not be previously entered Appellant should consult 37 CFR 41.33 and/or remove the reference to unentered evidence.

Patent Examiner,

Tuan C. To